

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>ROBERT P. MERZ</b>	<b>:</b>	<b>VIOLATION:</b>
	<b>:</b>	<b>18 U.S.C. § 2252(a)(4)(B) (possession of</b>
	<b>:</b>	<b>child pornography - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2252(a)(2) (receipt of child</b>
	<b>:</b>	<b>pornography - 1 count)</b>
		<b>Notice of forfeiture</b>

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**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about February 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**ROBERT P. MERZ**

knowingly possessed a single DVD that contained visual depictions, that is, approximately 7,000 still images and approximately 300 video clips, that had been shipped and transported in interstate and foreign commerce. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and the visual depictions were of minors engaging in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252(a)(4)(B).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 27, 2007, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**ROBERT P. MERZ**

knowingly received visual depictions that had been shipped and transported in interstate and foreign commerce, which visual depictions showed minors engaged in sexually explicit conduct and the producing of those visual depictions involved the use of minors engaged in sexually explicit conduct.

In violation of Title 18, United States Code, Section 2252(a)(2).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violation of Title 18, United States Code, Section 2252(a), set forth above, the defendant

**ROBERT P. MERZ**

shall forfeit to the United States of America the following:

- (1) Any visual depiction involving the use of a minor as described in Title 18, United States Code, Section 2252(a), or any book, magazine, periodical, film, videotape, compact disk, DVD, CD, computer, hard drive, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2252(a);
- (2) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to:
  - eMachine T2314 Computer, Serial Number GPA6110009062;
  - Systemax Computer, Serial Number 003597023;
  - web camera, DVDs, CDs, floppy diskettes, VHS tapes; and
  - Quantum Hard Drive, Serial Number 2365B01LEJT4G1.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:
- cannot be located upon the exercise of due diligence;
  - has been transferred or sold to, or deposited with, a third party;
  - has been placed beyond the jurisdiction of the court;
  - has been substantially diminished in value; or
  - has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 2253.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**